

## Minutes of Council Meeting 9-15-2020

Chilton, Wisconsin  
September 15, 2020

The regular meeting of the Chilton Common Council held in the council chambers at the city hall was called to order at 6:30 p.m. with Mayor Thomas J. Reinl presiding.

**AGENDA POSTING:**

On 9/11/2020, copies of the agenda were delivered to the Mayor, Aldermen, City Department Heads, City Attorney and were made available to the media, and posted on the City Hall bulletin board and posted on the City web page.

**ROLL CALL:**

Mayor Thomas J. Reinl and eight members of the Council were present at roll call:

Council Member Ron Gruett                      Council Member Mike Goebel (arrived at 6:37pm)

Council Member Clayton Thornber              Council Member Andrew Deehr

Council Member Joe Schoenborn              Council Member Peggy Loose (arrived at 6:31pm)

Council Member Jon Kragh                      Council Member Kathy Schmitzer (remotely)

Other city officials present were Administrator David DeTroye, Director of Public Works Chris Marx, Police Chief Craig Plehn, Fire Chief Ben Schoenborn, City Attorney Derek McDermott and Deputy City Clerk Lisa Meyer. Also in attendance, Betty Schilling, Chilton Journal, Rick Jaeckels and Ed Rollmann.

Council Member Kathy Schmitzer, Dave Kohls, Tri-County News, Phil Cosson from Ehlers Public Finance Advisors, Debbie Nelson from Jones Sign Company and four unidentified callers joined the meeting remotely.

Those in attendance recited the Pledge of Allegiance.

Moved by Gruett, seconded by Schmitzer and carried to approve the minutes of the council meeting held on September 1, 2020.

**MOVED TO NEW BUSINESS:**

Phil Cosson from Ehlers Public Finance Advisors joined the meeting remotely and discussed the City's \$2,000,000.00 Taxable General Obligation Notes that went to market this morning at 10:00am. The City retained its A1 rating through Moody's Investor's Service. Four bids were received with the lowest bid offering a 1.1255% interest rate on a ten-year loan. The funds will be used for public improvements in TID #6 and public improvements, roadway access and utility work in TID #8.

Moved by Gruett, seconded by Deehr to introduce, adopt and waive the second reading of Resolution No. 1839, a Resolution Authorizing the Issuance and Sale of \$2,000,000.00 Taxable General Obligation Promissory Notes, Series 2020A. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn – aye

Eight votes cast. Eight votes aye. Motion carried.

Mr. Cosson left the meeting at 6:41 pm.

**REPORT OF OFFICERS:****MAYOR:**

The city-wide trick or treating is set for October 31, 2020 from 3-5pm. The mayor would like to cancel trick or treating due to COVID 19. Thornber disagreed. He thinks it is too soon to cancel as there are two more city council meetings (October 7 and 21) prior to October 31 to decide. Goebel was concerned that if Chilton is the only city that doesn't cancel trick or treating, will this cause a huge number of children to come to the city from other communities.

Moved by Loose, seconded by Gruett to cancel trick or treating on October 31, 2020. A lengthy discussion ensued. A vote could not be taken due to the Public Hearing that was scheduled for 6:45 pm.

**MOVED TO NEW BUSINESS:**

Mayor Reinl opened the Public Hearing at 6:45 p.m. on special assessments to install water and sanitary sewer laterals on North State Street. The notice was read and published as required. Those in attendance were Ed Rollmann and four unidentified remote callers.

Mayor Reinl inquired if anyone was present to speak regarding the assessments.

Mayor Reinl inquired a second time if anyone was present to speak regarding the assessments.

Mayor Reinl inquired a third time if anyone was present to speak regarding the assessments.

Hearing no comments Reinl closed the public hearing at 6:47 pm.

Moved by Thornber, seconded by Schmitzer to introduce, adopt and waive the reading of Resolution No. 1836, a Final Resolution to Levy Special Assessments for Water and Sanitary Sewer Laterals on North State Street. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Eight votes aye. Motion carried.

Three unidentified callers left the meeting at 6:50 pm

**MAYOR REPORT:**

There was a motion on the floor regarding trick or treating:

Moved by Loose, seconded by Gruett to cancel trick or treating on October 31, 2020.

Discussions continued and the consensus was that it is too early to cancel.

Mayor Reinl called for a voice vote. Two aye (Loose, Gruett), six nay (Goebel, Thornber, Schmitzer, Schoenborn, Deehr and Kragh). Motion failed.

Mayor Reinl advised the council that they will need to bring the topic back to the council if they so choose.

- The mayor sent a letter to Mr. Steve Mueller thanking him for the many years of service on the City of Chilton Redevelopment Authority. He was a member since

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it was created in 2002.

- At the Chilton Lake District meeting that was held on August 18, 2020 the members voted on creating a sub-committee consisting of two citizen members from each ward. Each council member received a form to complete and return to Mayor Reinl listing names for him to contact to be part of this sub-committee.
- Mayor Reinl was very pleased with the A1 rating for the City by Moody's Investors. This is a huge accomplishment for a city the size of Chilton.

#### **CITY ADMINISTRATOR:**

- As reported at the last meeting there were seven applicants for the part-time administrative assistant position. Deputy Meyer, Administrative Assistant Judy Thiel and I conducted four interviews last week Thursday & Friday and we have made our recommendation which will be later in the meeting. Contingent upon background check and drug screen, we would like her to start as soon as September 28<sup>th</sup>.
- The East Shore Recycling Commission meeting was held at City Hall last week Thursday. I will be acting as Vice Chair for the 2021 calendar year. News to relay is that Waste Management is in the process of buying out Advanced Disposal. They intend to haul out of New Holstein. The city is in year one of a ten-year contract.
- The Geiser annexation is drawing a lot of attention from developers. Once the Department of Administration files the annexation petition and the City formally adopts the ordinance, City engineers and planners will need to meet with prospective developers to plat the proposals. Approximately half of the acreage could already be accounted for.
- WPPA agreement (police union contract) is in the final review stages. Discussions have progressed nicely, and a 4-year proposal is close to being ready for council review and approval. Both sides have been cordial and accommodating in the process.
- Environmental Activity has started at the former Chilton Plating facility. Work continues with soliciting for grant dollars from multiple sources. Conversation with County, WEDC, and EPA.
- Dirt is moving in TID #6 – RLTC Warehouse/Kaytee expansion project.

#### **APPROVE OPERATOR LICENSES:**

Moved by Thornber, seconded by Deehr to approve the two-year license application to serve fermented malt beverages and intoxicating liquors from September 15, 2020 to June 30, 2022 for Tracy McGuire. Deputy Meyer noted the applicant has been approved by the Chilton Police Department. Motion carried.

#### **DIRECTOR OF PUBLIC WORKS:**

- The crosswalk light for the corner of N. State and Court Street is being shipped and should be installed by the end of the month.
- Large meter testing has been completed.
- The biosolids storage tank maintenance has been completed.

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- The warehouse project in TID #6 and utility work for M-B project in TID #8 has been started.

The city is soliciting Sidewalk Replacement bids for Ward 1. The bid deadline is September 22, 2020 and since the next council meeting is October 6, 2020, DPW Marx is requesting permission to expedite the bid process. The North State Street reconstruction project took up a lot of DPW Marx's time and therefore he was not able to start the bid process for Ward 1 sidewalk sooner. Due to the weather and October almost upon us, the contractors are questioning the start time for the sidewalk replacement.

Moved by Thornber, seconded by Schoenborn to expedite the sidewalk replacement project in Ward 1 by authorizing the DPW, Mayor and City Administrator to accept the bid for sidewalk replacement in Ward 1 that is in the best interest of the city. Motion carried.

#### **REPORT OF COMMITTEES:**

DeTroye reported on the Joint Review Board that was held on September 8, 2020. Wisconsin State Statutes require the entities of each Tax Incremental District (TID) to attend a Joint Review Board Meeting to review the performance and status of each TID. There was a representative from the Chilton School District, Fox Valley Technical College and Calumet County at the meeting. DeTroye reported on the four TID Districts in the City, #4, #6 and #7 along with the newly created TID #8.

#### **AUDIENCE PARTICIPATION:**

Ed Rollmann, resident of 225 N. State Street, Chilton (a/k/a 225 County F) complimented the council, mayor (past and present), DPW Marx and the Vinton Construction crew for the outstanding job they did on the North State Street reconstruction project. Rollmann exited the council chambers at 7:01 pm

#### **MOVED BACK TO REPORT OF COMMITTEES:**

Mayor Reinl reported on the minutes of the Plan Commission Meeting held on September 9, 2020.

Evan Steger submitted a conditional use permit for Tax Parcel I.D. #16629 located at 208 E. Grand Street. The proposed use requires a conditional use under Chapter 16, Section 16.09(5)(a) 2. Junk or Salvage Yard for I-2 (General Industry) zoned properties.

Evan Steger has a tenant that uses the back part of the property for a junk or salvage yard and the tenant has been scrapping metal for three years and has just outgrown the building behind his main detailing business. Mr. Steger has attempted to keep the scrap yard contained in trailers but this has become impossible. A conditional use permit was approved for a junk yard but requirements included that there had to be a fence around the property and locked gates for safety and security reasons. Mr. Steger said he cannot put up a fence because he has semi traffic that goes around the back of the property and a fence would impede his business. The Plan Commission denied the request.

Moved by Deehr, seconded by Schoenborn to deny the request by Evan Steger for a

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conditional use to allow a junk or salvage yard at 208 E. Grand Street and to give the property owner written notice to have the current tenant cease operations of the junk and salvage yard by 12/31/2020. Motion carried.

Mallmann Enterprises LLC (Chilton Furniture) submitted a conditional use permit for Tax Parcel I.D. #24378 and #17321 located at 252 E. Main Street for placement of a shipping container on the properties.

DPW Marx said the municipal code pertaining to shipping containers was rewritten in 2017 and a container is specifically described as a structure in Chapter 16. The proposed use requires a conditional use for commercial and industrial zoned properties under Chapter 16, Section 16.09(4)(t) storage or wholesaling - indoor. The municipal code strictly prohibits containers in residential districts anytime. This process only takes place in commercial and industrial districts.

Mallmann said the 400 square foot container is on the property because he thought he may be short on storage space for his business and was looking for short term storage.

Mallmann said he doesn't see the container as a permanent structure but a temporary one and currently the container is empty.

A structure of 2400 square feet or less falls under local building regulations. The conditional use permit is permanent and stays with the property. The City Council may revoke the permit if the conditions are not met.

Moved by Thornber, seconded by Gruett and carried to approve the request by Mallmann Enterprises LLC (Chilton Furniture) for a conditional use to allow shipping containers on Tax Parcel I. D. #24378 and #17321 with the following conditions:

- Shipping containers must be non-stackable
- Up to four shipping containers allowed
- Shipping containers must be refurbished and aesthetically pleasing and of good repair

At the July 8, 2020 Plan Commission meeting the Plan Commission made a recommendation to spend \$8000.00 on recodification changes to language in municipal code Chapter 16. Since that time the City received proposals from General Code and Municode to clean up the entire book of municipal code instead of only one chapter. The recodification process would be a 2021 expenditure. DeTroye received proposals from General Code for \$6995.00 with annual maintenance of \$995.00, and Municode was \$8950.00 with annual maintenance of \$1195.00

David DeTroye recommended Municode which is a company made up of lawyers and attorneys who provide codification services to over 4,000 municipalities throughout the United States. DeTroye said that Municode is user friendly and is the better tool.

Municode will do an initial review of the entire codebook and then rewrite the code. The process will take up to a year to complete. It makes no sense to clean up only one chapter because it could affect another chapter in the code. DeTroye negotiated with Municode to lock in the annual maintenance fee of \$1195 for five years.

It was decided to have the Plan Commission budget \$8950.00 in 2021 for recodification of the municipal code book.

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Gruett reported on the minutes of the Public Works Meeting that was held on September 14, 2020.

Committee members conducted the annual review of the snow and ice policy. DPW Marx recommended the following changes:

1. City of Chilton will be responsible to plow the section of road on N. State Street (from Main Street to Breed Street) after the jurisdictional transfer from Calumet County takes effect.
2. Police entrance needs to be plowed out along with the Fire Station.

Under the section entitled Alerting Snow and Ice Control Personnel – Calumet County is responsible for the following sections: **Remove** County “F” (Main St. north)

Under the section entitled General Snow and Ice Control Procedures –

1. Arterial streets are those which are hospital and emergency routes or are major traffic carrier or major school routes. **Revise a.** to read: Fire Station and Police Office Entrance – Egress and Exit

Moved by Gruett, seconded by Thornber to amend the above sections of the Snow and Ice Policy. Motion carried.

The committee reviewed Municipal Code Chapter 5, Section 5.06 Snow and Ice Removal and Current Rates.

Under Chapter 5, Section 5.06 of the municipal code property owners have 36 hours after a snowfall to shovel their private sidewalks. If they do not shovel their sidewalk, the City clears the sidewalk and invoices the property owner. The following rates are charged for snow removal by the City for private sidewalks not shoveled 36 hours after a snowfall:

First offense: 50 cents per foot plus 25% administrative fee

Second offense: 50 cents per foot plus 25% administrative fee plus \$50.00 surcharge

Third offense: 50 cents per foot plus 25% administrative fee plus \$100.00 surcharge

Fourth offense and subsequent offenses: 50 cents per foot plus 25% administrative fee plus \$200.00 surcharge.

Moved by Gruett, seconded by Schoenborn to approve the existing procedure and rates for snow and ice removal from private sidewalks. Motion carried.

DPW Marx recommended money from the Bechlem Trust Fund be applied to the following items for the uptown mural area and State Street reconstruction enhancement projects:

<u><b>Uptown Mural Area Enhancement Project</b></u>	<u><b>Total</b></u>
Concrete pads(4) with footing for shelter anchor (13' X 13')	\$ 5,000.00
12' X 12" Shelters (six)	\$41,202.00
Furniture for under Shelter	\$ 6,000.00
Excavation and Landscaping	\$ 2,000.00
Stabilize backfill along bottom of mural	\$ 1,000.00
Labor	\$ 1,200.00
<b>Total Project Cost</b>	<b>\$56,402.00</b>

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<b><u>State Street Reconstruction Enhancement Project</u></b>	<b><u>Total</u></b>
Colored Concrete Sidewalk (per square foot)	\$ 5,500.00
Colored and Imprinted Concrete Sidewalk (per square foot)	\$ 6,300.00
Colored Concrete Crosswalk (per square yard)	\$ 4,675.00
Installation of Decorative Street Lighting	\$12,500.00
Decorative Light Poles	<u>\$33,343.75</u>
<b>Total Project Cost</b>	<b>\$62,318.75</b>

The Bechlem family has approved the purchase of the items for the uptown mural area enhancement project.

Moved by Gruett, seconded by Deehr to apply funds from the Bechlem Trust Fund for the uptown mural area totaling \$56,402.00 and State Street reconstruction enhancement projects totaling \$62,318.75 upon receiving approval from the Bechlem family. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Eight votes aye. Motion carried.

The revenues and expenses for garbage collection by Advanced Disposal were reviewed. Projected costs for 2021 garbage collection will be short by \$3,375.88 due to a 3% increase in the contract by Advanced Disposal. The committee reviewed a 2% or 3% rate increase.

Current fees collected on the tax bill for garbage collection are:

Container Size	Current Rate	2% increase	3% increase
45 gallon	\$110.00	\$112.00	\$113.00
60 gallon	\$128.00	\$131.00	\$132.00
90 gallon	\$210.00	\$214.00	\$216.00

Garbage collection fees have remained the same since 1/1/2017.

Moved by Gruett, seconded by Schmitzer to approve a 3% proposed increase for garbage collection for 2021. Motion carried.

The committee discussed selling of the 2004 Chevrolet ¾ Ton Pickup Truck as a 2020 Dodge Ram pickup was just purchased to replace it.

Moved by Gruett, seconded by Deehr to authorize DPW Marx to sell the 2004 Chevrolet ¾ Ton Pick Up Truck with proceeds from the sale to go into Street Machinery (Account 53240). Motion carried.

Thornber suggested to increase the Public Works budget to include reconstruction for the portion from Heimann Street to David Street on Court Street. Currently DPW Marx is budgeting \$300,000.00 to redo Court Street from State to Heimann and Thornber would like to increase the budget and redo Court Street from State to David Street. He drives this route every day as he lives on Kiesner Drive and this portion of Court Street is in much need of repairs.

The Redevelopment Authority Meeting was held on September 9, 2020.

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Resolution No. 1358 A Resolution Creating the Redevelopment Authority of the City of Chilton was approved by the City Council on June 18, 2002. It describes the members of the Redevelopment Authority (RDA); one member being a member of the common council, one member being of the City Plan Commission, one member being the Director of Public Works, one member being the Community Development Director and three members at large. Currently, the mayor is not a member of the RDA. The committee would like to make changes to the voting members as follows: the current Mayor serving in the capacity as the Chairperson of the City Plan Commission; one member of the City council, and five or more members at large. All appointments of members at large are for a five-year term. Legislative members serve their term and can be renewed if they hold their position within the City Council or as Mayor.

Moved by Schmitzer, seconded by Loose to introduce, adopt and waive the reading of Resolution No. 1837 Amending Resolution No 1358 Creating the Redevelopment Authority of the City of Chilton. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Eight votes aye. Motion carried.

Thrivent Financial located at 14 W Main Street would like to change their front sign on the building. The building inspector reviewed the permit application and the new sign meets the guidelines and standards.

Moved by Thornber, seconded by Kragh to approve the sign permit from the contractor Jones Sign Company for Thrivent Financial located at 14 W Main Street. Motion carried. Debbie Nelson left the meeting at 7:44pm.

The City has been awarded a site assessment grant by Wisconsin Economic Development Corporation(WEDC) in the amount of approximately \$180,000 for further environmental rehabilitation and site improvements on the former Chilton Plating site (420 E Main Street). The County was awarded a Brownsfield Grant that they are utilizing on behalf of the City for the Chilton Plating property. The property requires asbestos removal and abatement along with razing the building. The Treasurer's report for the RDA showed a cash balance of \$52,918.78. The City is in the process of applying for more grants to cover the costs of the property, but those grants will be awarded after the building has been razed. The City is short of achieving this goal of building demolition by \$12,000.00.

Moved by Gruett, seconded by Schmitzer to use funds from the Redevelopment Authority totaling \$12,000.00 towards the Chilton Plating project. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Eight votes aye. Motion carried.

#### **NEW BUSINESS:**

DeTroye would like to file a grant with the Wisconsin Department of Natural Resources on behalf of the City for financial assistance to help clean up the emerald ash borers. This grant would be a \$5,000.00 matching grant.



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Moved by Schmitzer, seconded by Loose to introduce, adopt and waive the reading of Resolution No. 1838, a Resolution to file an Urban Forestry Grant for the City of Chilton. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – aye	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Eight votes aye. Motion carried.

Seven applicants were received for the part-time administrative assistant position and four interviews were conducted. This candidate was mutually agreed upon by the staff. Moved by Thornber, seconded by Deehr to approve the hiring of Estrella Povsha as a City of Chilton part time administrative assistant contingent upon passing pre-employment testing. Motion carried.

Fire Chief Ben Schoenborn would like to hire Brian Rusch as a firefighter. His family lives in the Chilton area and he comes from a family of services (health care, police) Moved by Deehr, seconded by Schmitzer to approve the hiring of Brian Rusch as a City of Chilton firefighter contingent upon passing pre-employment testing. Motion carried.

**COMMUNICATION:**

The council members reviewed the August 12, 2020 Chilton Housing Authority minutes.

**APPROVE PAYMENT OF BILLS:**

Moved by Thornber, seconded by Deehr to pay the bills. Check No. 85732-85789 and Voucher # 5095-5115 or accounts payable and payrolls totaling \$568,373.72. Roll call vote.

Gruett – aye	Kragh – aye	Loose – aye	Thornber – aye
Schmitzer – abstain	Goebel – aye	Deehr – aye	Schoenborn - aye

Eight votes cast. Seven votes aye. (Schmitzer-abstain) Motion carried.

**ADJOURNMENT:**

Moved by Loose, seconded by Deehr to adjourn at 7:54 p.m. on September 15, 2020. Motion carried.

Lisa Meyer, WCMC  
Deputy City Clerk